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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,292	09/09/2003	Tetsuya Sawano	0905-0291P	1378
2292 7590 07/14/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HERRING, VIRGIL A				
ART UNIT 2132		PAPER NUMBER		
NOTIFICATION DATE 07/14/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/657,292

Applicant(s)

SAWANO, TETSUYA

Examiner

VIRGIL HERRING

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed 29 February 2008. Claim 5 was previously cancelled, and claims 1-4 are pending.

Response to Arguments

Applicant's arguments filed 29 February 2008 have been fully considered but they are not persuasive. The applicant argued that the combination of Takaoka and Miki et al. as described in the prior office action does not teach or suggest all the claimed limitations, in particular the limitation "a receiving circuit for receiving mobile-telephone model information and an image view request transmitted from a mobile telephone having a display device." The examiner respectfully disagrees, for the reasons outlined below.

The applicant's first argument is that the image transmitter of Miki initiates communication between the mobile phone and image transmitter, citing ¶ 53, rather than the mobile phone initiating communication as in applicant's invention. The examiner notes, however, that the mobile phone responds with an ACK(knowledgement) signal, which indicates that the communications link was successfully established. This ACK signal functions as the request to view images as specified by the claims, because without receiving this signal, the image transmitter does not transmit the images. Miki teaches the claimed limitations because the claims merely require that the transmitting device receives an image view request (i.e. the ACK signal indicating that communications are possible) from a mobile telephone, not that the mobile telephone initiates all communications

The applicant then argued that in Miki, the transmitter initiates all requests with the mobile phone, whereas in the claimed invention the mobile phone initiates the request for the image and initiates the sending of model information. However, the claims merely require that the model information and image view request are received, not that the telephone initiates all communications. Furthermore, the limitations as claimed do not specify that the image transmitter cannot request model information, only that it is able to receive such information.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takaoka (JP 2002-051156A) in view of Miki et al. (US 2004/0029552 A1).

With regards to claims 1-4, Takaoka discloses a mobile telephone which receives image data from a monitoring camera. The image data is displayed on the monitor of the mobile telephone (see abstract). Furthermore, a number of other devices can receive the image data, such as a notebook computer, PDA, or PHS (§ 0005, 0009).

With regards to claims 1-4, Takaoka does not expressly disclose that the mobile phone requests the monitored image or model information. However, Miki et al. disclose a system in which a mobile phone communicates with an image transmitter to receive images. Once the connection between the mobile phone and the image transmitter is established, the image transmitter requests model information for the mobile telephone. Miki et al. and Takaoka are analogous art, because both allow the

transmission of an image over a network to a mobile telephone. At the time of the invention, it would have been obvious to one skilled in the art to apply the request for image data and transmission of model information taught by Miki et al. to the monitoring system of Takaoka, to allow for differences in the mobile telephone preferences of various users. Furthermore, one skilled in the art would recognize that including the model information with the request for image data would be an obvious variation which accomplishes the same result with half the number of steps, allowing the user quicker access to the monitored image of Takaoka.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRGIL HERRING whose telephone number is (571)272-8189. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virgil Herring
Examiner
Art Unit 2132

/V. H./
Examiner, Art Unit 2132

/Gilberto Barron Jr/
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